

46. (Previously Amended) The program product of claim 14 wherein the prioritized graphics file comprises a bitmap file.

47. (Previously Amended) The method of claim 31 wherein the prioritized graphics file comprises a joint picture experts group file.

48. (Previously Amended) The method of claim 31 wherein the prioritized graphics file comprises a graphics interchange format file.

49. (Previously Amended) The method of claim 31 wherein the prioritized graphics file comprises a bitmap file.

REMARKS

Currently pending claims 1-49 are for consideration by the Examiner. Claims 1-14, 17-23, and 26-49 were amended prior to the present office action response. No claims are amended herein in the present office action response.

The Examiner rejected claims 1-49 under 35 U.S.C. ∇103(a) as being unpatentable over Cordell et al. (5,778,372) in view of Scorse et al. (5,426,513).

Applicants respectfully traverse, with the following arguments, the rejections under §103.

35 U.S.C. §103

The Examiner rejected claims 1-49 under 35 U.S.C. ∇103(a) as being unpatentable over Cordell et al. (5,778,372) in view of Scorse et al. (5,426,513).

Applicants respectfully contend that claim 1 is not unpatentable over Cordell in view of Scorse, because Cordell in view of Scorse do not teach or suggest each and every feature of claim 1. For example, Cordell in view of Scorse does not teach or suggest “a prioritized graphics file residing in the memory, the prioritized graphics file defining higher priority image transmission portions and lower priority image transmission portions that have been selected and assigned priorities such that when the prioritized graphics file is transferred across a network, the higher priority image transmission portions of the prioritized graphics file are transmitted before the lower priority image transmission portions of the prioritized graphics file”.

The Examiner admits that “Cordell et al does not explicitly disclose that a single prioritized graphics file, which contains higher priority image transmission portions and lower priority image transmission portions.” Applicants maintain that Scorse likewise does not teach or suggest the feature of: “a prioritized graphics file residing in the memory, the prioritized graphics file defining higher priority image transmission portions and lower priority image transmission portions that have been selected and **assigned priorities ...**” (emphasis added) as required by claim 1. The Examiner has not even alleged that Scorse teaches the preceding feature of claim 1.” Applicants contend that in Scorse, the operator (i.e., a person) determines the relative priorities of the various portions to be transmitted, and the operator controls the order of transmissions in accordance with the priorities that he or she establishes. Scorse does not disclose centra the assigned priorities are stored anywhere, and Scorse most certainly does not disclose that the assigned priorities are stored a prioritized graphics file that contains the higher priority image transmission portions and lower priority image transmission portions that have been selected.” Hence

neither Cordell nor Scorse teaches or suggests all of the features in claim 1. Thus, the rejection of claim 1 is improper.

Additionally, even if Scorse discloses the assigned priorities in a graphics file in accordance with the requirements of claim 1 (which Scorse does not do as explained *supra*), it would nonetheless be improper to incorporate into the invention of Cordell such a graphics file having said assigned priorities. A reason that this combination is improper is that a fundamental premise in Cordell is that the browser in the receiving computer controls the relative prioritization of when the electronic document and background image are to be received by the receiving computer. For example, Cordell discloses in col. 3, lines 40- 54 that

According to another aspect of the invention, the browser also enhances the perception of responsiveness when browsing electronic documents having images in a portion of the electronic document currently visible in a display area or frame of the browser and images in a portion of the electronic document not currently visible in the display area. In such case, **the browser prioritizes the retrieval of the images** depending on their location in the visible or non-visible portions of the electronic document. When requesting images, the browser defers requesting images in the current non-visible portion of the document until completing downloading of any already requested images in the current visible portion of the document. As a requested image in the current visible portion is received, the browser updates the display by redrawing the document with the received image.
(emphasis added)

Thus, if the assigned priorities were incorporated into said graphics file and if the portions of the graphics image were sent to the receiving computer in accordance with said priorities, then control of when said portions of the graphics image is transmitted from the sending computer to the receiving computer would be under control of the sending computer and not under the control of the browser of the receiving computer as required by Cordell. This would prevent the browser of the receiving computer from controlling said prioritization and Cordell's invention would be destroyed.

Based on the preceding arguments, Applicants respectfully maintain that claim 1 is not unpatentable over Cordell in view of Scorse, and that claim 1 is in condition for allowance. Since claims 2-7 and 41-43 depend from claim 1, Applicants contend that claims 2-7 and 41-43 are likewise in condition for allowance.

Applicants respectfully contend that claim 8 is not unpatentable over Cordell in view of Scorse, because Cordell in view of Scorse do not teach or suggest each and every feature of claim 8. For example, Cordell in view of Scorse does not teach or suggest "a prioritized graphics file residing in the memory, the prioritized graphics file defining higher priority image transmission portions and lower priority image transmission portions that have been selected and assigned priorities such that when the prioritized graphics file is transferred across a network, the higher priority image transmission portions of the prioritized graphics file are transmitted before the lower priority image transmission portions of the prioritized graphics file". Applicants contend that claim 8 is not unpatentable over Cordell in view of Scorse, based on the same arguments presented *supra*

in conjunction with claim 1. Based on the preceding arguments, Applicants respectfully maintain that claim 8 is not unpatentable over Cordell in view of Scorse, and that claim 8 is in condition for allowance. Since claims 9-13 depend from claim 8, Applicants contend that claims 9-13 are likewise in condition for allowance.

Applicants respectfully contend that claim 14 is not unpatentable over Cordell in view of Scorse, because Cordell in view of Scorse do not teach or suggest each and every feature of claim 14. For example, Cordell in view of Scorse does not teach or suggest “the prioritized transmission graphics file defining higher priority image transmission portions and lower priority image transmission portions that have been selected and assigned priorities such that when the prioritized transmission graphics file is transferred across a network, the higher priority image transmission portions of the prioritized transmission graphics file are transmitted before the lower priority image transmission portions of the prioritized transmission graphics file”. Applicants contend that claim 14 is not unpatentable over Cordell in view of Scorse, based on the same arguments presented *supra* in conjunction with claim 1. Based on the preceding arguments, Applicants respectfully maintain that claim 14 is not unpatentable over Cordell in view of Scorse, and that claim 14 is in condition for allowance. Since claims 15-22 and 44-46 depend from claim 14, Applicants contend that claims 15-22 and 44-46 are likewise in condition for allowance.

Applicants respectfully contend that claim 23 is not unpatentable over Cordell in

view of Scorse, because Cordell in view of Scorse do not teach or suggest each and every feature of claim 23. For example, Cordell in view of Scorse does not teach or suggest “the prioritized transmission graphics file defining higher priority image transmission portions and lower priority image transmission portions that have been selected and assigned priorities such that when the prioritized transmission graphics file is transferred across a network, the higher priority image transmission portions of the prioritized transmission graphics file are transmitted before the lower priority image transmission portions of the prioritized transmission graphics file.” Applicants contend that claim 23 is not unpatentable over Cordell in view of Scorse, based on the same arguments presented *supra* in conjunction with claim 1. Based on the preceding arguments, Applicants respectfully maintain that claim 23 is not unpatentable over Cordell in view of Scorse, and that claim 23 is in condition for allowance. Since claims 24-30 depend from claim 23, Applicants contend that claims 24-30 are likewise in condition for allowance.

Applicants respectfully contend that claim 31 is not unpatentable over Cordell in view of Scorse, because Cordell in view of Scorse do not teach or suggest each and every feature of claim 31. For example, Cordell in view of Scorse does not teach or suggest “selecting at least one image transmission portion of the graphics file; ... assigning a priority to the selected at least one image transmission portion to create a prioritized graphics file; and ... transmitting the prioritized graphics file across a network such that higher priority image transmission portions are transmitted before lower priority image transmission portions.” Applicants contend that claim 31 is not unpatentable over Cordell

in view of Scorse, based on the same arguments presented *supra* in conjunction with claim 1. Based on the preceding arguments, Applicants respectfully maintain that claim 31 is not unpatentable over Cordell in view of Scorse, and that claim 31 is in condition for allowance. Since claims 32-34 and 47-49 depend from claim 31, Applicants contend that claims 32-34 and 47-49 are likewise in condition for allowance.

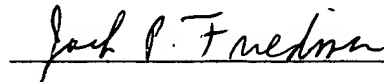
Applicants respectfully contend that claim 35 is not unpatentable over Cordell in view of Scorse, because Cordell in view of Scorse do not teach or suggest each and every feature of claim 35. For example, Cordell in view of Scorse does not teach or suggest “selecting at least one image transmission portion of the graphics file; ... assigning a priority to the selected at least one image transmission portion to create a prioritized graphics file; and ... transmitting the prioritized graphics file across a network such that higher priority image transmission portions are transmitted before lower priority image transmission portions”. Applicants contend that claim 35 is not unpatentable over Cordell in view of Scorse, based on the same arguments presented *supra* in conjunction with claim 1. Based on the preceding arguments, Applicants respectfully maintain that claim 35 is not unpatentable over Cordell in view of Scorse, and that claim 35 is in condition for allowance. Since claims 36-40 depend from claim 35, Applicants contend that claims 36-40 are likewise in condition for allowance.

CONCLUSION

Based on the preceding arguments, Applicants respectfully believe that claims 1–49

and 48-71 and the entire application meet the acceptance criteria for allowance, and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicants invite the Examiner to contact Applicants' representative at the telephone number listed below.

Date: 02/24/2003

A handwritten signature in cursive script, reading "Jack P. Friedman", is written over a horizontal line.

Jack P. Friedman
Registration No. 44,688
Schmeiser, Olsen & Watts
3 Lear Jet Lane
Latham, New York 12110
(518) 220-1850